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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ANATOLY S. WEISER 12526 HIGH BLUFF DRIVE SUITE 300 SAN DIEGO, CA 92130			THERIAULT, STEVEN B	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/577,190

Applicant(s)

CATHERINE LIN-HENDEL

Examiner

Steven B. Theriault

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the following communications: Non-Provisional Application filed 05/23/2000.
2. Claims 1-28 are pending in the case. Claims 1, 2, 22, 23, 24 and 26 are the independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 6b-6d on page 18 of the present application specification. There are multiple missing items not listed here but are listed in the specification and after a careful examination of the specification numerous items referenced in the specification will appear that are not in the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because
Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words

Art Unit: 2179

in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 1-11, 14-28 are rejected under 35 USC 102(e) as being anticipated by Wical et al. (hereinafter Wical) U.S. Patent No. 6,112,201 issued Aug. 29, 2000 and Filed Aug. 29, 1995.**

With regard to **Independent claim 1**, Wical teaches a system for navigating and browsing electronic media, comprising;

- *A categorization structure having a plurality of nested cascading category levels (Wical Figures 2b-2f) Wical shows a plurality nested category levels of information.*
- *Each category level displaying a plurality of category titles of electronic media content stored on a storage device (Wical Figures 2b-2f) Wical shows indexed information stored on a device with organized by category and level.*
- *Each category title having a selectable link-token to the stored content for said title, (Wical column 5, lines 10-25) Wical teaches a selectable token that a user selects and the information is retrieved related to the token*
- *Each category title also being coupled to the category title's hidden nested subcategory structure and the category titles in the different plurality of category levels able to be browsed*

independently of having to select and retrieve the stored content for any title from the storage device (Wical Figures 2a-2f and column 9, lines 7-55) Wical teaches and shows that each level can be browsed independently and where there is a hidden nested structure that each level root knows. See specifically where the root knows the number of items under it and displays the number of items and therefore the subcategory structure is linked to the title or root.

With respect to **dependent claim 2**, Wical teaches a system for tracking the navigation and browsing of electronic media, and facilitating the changing of navigation and browsing path at will with one single click to reach any desired new destination information (Wical column 9, lines 30-33). Wical teaches that the user can select a category level at any level and browse at any point in the hierarchical structure.

With respect to **dependent claim 3**, Wical teaches the *system wherein the plurality of category titles in a first category level is displayed for viewing on a display device by placing a cursor on a starting symbol representing a gateway to viewing the categorization structure displayed on the display device* (Wical Figure 2a and 2b) Wical shows the user selecting the first level categorized information for each subject area or structure of indexed information under the level.

With respect to **dependent claim 4**, Wical teaches the *system, wherein the plurality of category titles are displayed on the display device underneath the starting text-string or a symbol representing the gateway to viewing the categorization structure (Wical figure 2a).*

With respect to **dependent claim 5**, Wical teaches the *system wherein placing the cursor on one of the category titles in the first category level causes said title to be highlighted and causes a second category level having a second plurality of titles to be displayed alongside the first category level, the plurality of titles in the second category level being sub-categories of the category title highlighted in the first category level (Wical Figure 2b). Wical shows the higher level highlighted and the*

subcategories displayed alongside the first level and the subcategories are subs of the topic area of the first level.

With respect to **dependent claim 6**, Wical teaches the system wherein the titles in the first category level are displayed in a first listing-area with the titles listed one under the other (Wical figures 2a-2f)

With respect to **dependent claim 7**, Wical teaches the system wherein the titles in the second category level are displayed in a second listing-area with the titles listed one under the other (Wical figure 2a-2f).

With respect to **dependent claim 8**, Wical teaches the system, wherein placing the cursor on one of the category titles displayed in the second category level causes said title to be highlighted and causes a third category level having a third plurality of category titles to be displayed alongside the second category level, the plurality of titles in the third category level being sub-categories of the highlighted title displayed in the second category level (Wical Figures 2a-2f and column 11, lines 48-59).

With respect to **dependent claim 9**, Wical teaches the system wherein the system has a selectable number of category level (Wical column 14, lines 15-25).

With respect to **dependent claim 10**, Wical teaches the system, wherein the system has a selectable number of category titles in each category level (Wical column 9, lines 7-35).

With respect to **dependent claim 11**, Wical teaches the system, wherein the system is implemented using software (Wical column 26, lines 35-40).

With respect to **dependent claim 14**, Wical teaches the system wherein a browser can browse the categorization structure independently of any media content displayed on the display device. (Wical Figures 2a-2f) Wical shows the ability to browse the category levels while also displaying content

With respect to **dependent claim 15**, Wical teaches the system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to select and retrieve a page of media content from the storage device and without having to navigate back and forth between different pages of media content (Wical column 6, lines 40-67).

With respect to **dependent claim 16**, Wical teaches the system wherein the categorization structure resides with the pages of media content but is not displayed on the display device with the media content until a browser places the cursor on the starting symbol (Wical Figures 2a –2f).

With respect to **dependent claim 17**, Wical teaches the system wherein the media content are the pages of a web site (Wical column 20, lines 57-67).

With respect to **dependent claim 18**, Wical teaches the system wherein a browser can navigate and browse the different category titles in the different category levels of the categorization structure without having to down load a web page from the storage device and without having to navigate back and forth between different web pages (Wical column 9, lines 6-45).

With respect to **dependent claim 19**, Wical teaches the system wherein the categorization structure resides with the web pages but is not displayed on the display device with the web pages until a browser places the cursor on the starting symbol (Wical Figures 2a –2f).

With respect to **dependent claim 20**, Wical teaches the system wherein a browser can navigate back and forth between a category title in a first category level and a category title in a second category level of the categorization tree structure (Wical Figures 2a –2f).

Art Unit: 2179

With respect to **dependent claim 21**, Wical teaches the system wherein a browser can move from a first or any category title in a particular level to any other title in the same level of the categorization tree structure (Wical Figures 2a –2f).

In regard to **Independent claim 22**, Wical teaches a system for navigating and browsing electronic media, comprising:

- A categorization tree structure having a plurality of cascading category lists, each list displaying a plurality of category titles to electronic media content stored on a storage device (Wical figure 2a-2f and column 9, lines 5-45) Wical shows a tree structure having a plurality of cascading lists displaying content stored on a device.
- Each category title having a selectable link-token to the stored content file for said title, and the category titles in the different plurality of category lists able to be browsed independently of selecting and retrieving stored content files for any title from the storage device (Wical figures 2a-2f and column 5, lines 15-25) Wical shows the link token to content and where the different categories can be browsed independently from any title (See also column 9, lines 30-35).

In regard to **Independent claim 23**, Wical teaches a method for navigating and browsing electronic media, comprising the steps of:

- Placing a cursor on a starting symbol representing a gateway to a categorization structure of electronic media to display a first one of a plurality of category lists listing a first plurality of category titles of electronic media content stored on a storage device (Wical Figure 2a and 2b) Wical shows the user selecting the first level categorized information for each subject area or structure of indexed information under the level.
- Each category title having a selectable link-token to a stored content file for said title, wherein placing the cursor on one of the category titles in the first category box causes said title to be

highlighted and (Wical Figures 2a-2f and column 11, lines 47-67) Wical teaches highlighting the selected element and Wical teaches a token to the selected content

- Causes a second category list having a second plurality of titles to be displayed alongside the first category list, the plurality of titles in the second category list being sub-categories of the category title highlighted in the first category list, the category titles in the different plurality of category lists being able to be browsed independently of selecting and retrieving stored content files for any title from the storage device) Wical Figures 2a-2f and column 11, lines 47-67). Wical shows the first and second and third categories displayed alongside each other and where the first category is highlighted with the second category displayed and where the user can browse any title or direction in the display they desire.

In regard to **Independent claim 24**, Wical teaches a *system for tracking the navigation and browsing of electronic media, the system enabling a browser to reach any one of a plurality of content pages linked to any one of the plurality of category titles in a categorization structure with a single click of a computer mouse* (Wical column 9, lines 7-55) Wical teaches the user can select on the title with a mouse or other input device to reach any one of the titles in the displayed structure.

With respect to **dependent claim 25**, Wical teaches the system wherein the system is embedded with a hidden dynamic nested-cascading categorization structure that allows the browser to browse and view the entire categorization structure independent of the content of any content Page (Wical figures 2a-2f) Wical shows the user can browse the titles of content independently of any content on the page and also view the entire structure.

In regard to **Independent claim 26**, Wical teaches the *tracking system for tracking the navigation and browsing of electronic media, comprising:*

A text tracking string comprised of a plurality of category titles displaying a particular sequence of a category browsing path of a page displayed on a display device, wherein when a cursor is placed on any one of the category titles in the browsing path indicated by the tracking string, a drop-down menu appears displaying a plurality of category titles for that category (Wical column 12, lines 1-27 and Figure 2c) Wical teaches that the user can select any one of the items in the history path and the selectable categories will be displayed below the selection on the display.

With respect to **dependent claims 27 and 28**, Wical teaches the system *wherein a single click of the computer mouse is used to cause the drop-down menu to appear, the menu staying on until the computer mouse is clicked again on the same category title at which such time the drop-down menu ceases to be displayed on the display device and wherein token-linked content for the category title on which the cursor rests is retrieved from a storage device by double clicking the computer mouse* (Wical Figures 2a-2f and column 26, lines 19-35 and column 12, lines 1-27) Wical teaches a tracking history menu that will cause a menu to be displayed below the category title and where the user can retrieve the information by using a token and clicking on the content.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In *re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In *re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Claim Rejections - 35 USC § 103

7. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 12-13 are rejected under 35 USC 103(a) as being unpatentable over Wical et al. (hereinafter Wical) U.S. Patent No. 6,112,201 issued Aug. 29, 2000 and Filed Aug. 29, 1995 in view of Katinsky et al. (hereinafter Katinsky) U.S. Patent No. 6,452,609 issued Sept 17, 2002 and filed Nov. 6, 1998.**

With respect to **dependent claims 12 and 13**, as indicated in the above discussion, Wical teaches every element of claim 1.

Wical does not expressly teach the system wherein when the cursor is moved from a category level having a plurality of category titles which are sub-categories of a title in a higher category level, the category level with the plurality of sub-category titles and all subsequent category levels cease to be displayed on the display device.

However, Katinsky teaches a system for displaying content files in a page less browser where the media objects direct the browsing rather than the links from page to page. Which is similar to Wical in that the content is displayed in the browser of Wical based on content relationships and not on page links (See Katinsky column 3, lines 63-67 and column 4, lines 1-6). Further, Katinsky shows a mechanism for creating a popup, in which pop-ups are well known in the common art, to display the menu with a variety of cascading menu option where the mouse rollover function of displaying the menu is controlled via JavaScript. The movement of the mouse to and from the object would cause the menu to be displayed and then removed. Wical and Katinsky are analogous art because they both teach the function of displaying dynamic menus where the menu items are determined by information in a database and where the user selects given topic to retrieve more information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to apply the teachings of Katinsky to Wical for the purposes of displaying a popup menu instead of a dynamic menu in a browser that is controlled by a mouse event as the user places a cursor over the

Art Unit: 2179

menu. The motivation for combining is the expressed teaching of Katinsky of building menus either in a variety of ways for displaying information to the user regarding the content object that they have selected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT



WEILUN LO
SUPERVISORY PATENT EXAMINER